IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1130 OF 2006

Sardarali Safdarali Khan ... Petitioner

V/s

The State of Maharashtra & ors. ... Respondents

Mr. Madhav J. Jamdar for the petitioner.

Mrs. S.D. Shinde, A.P.P. for the respondents.

CORAM: J. N. PATEL AND
SMT. ROSHAN DALVI, JJ.

DATED: 25TH AUGUST, 2006

P.C.:

1. We have examined the case of the petitioner seeking furlough. In our view, the competent authority was justified in rejecting his application.

2. In the affidavit in reply filed, it has been mentioned by the Inspector of Police, of the Anti Terrorism Squad, Mumbai, that there are two cases pending against the petitioner i.e. one registered at Hazrat Nijammudding Police Station, New Delhi and other one is at Mahim Police Station, Mumbai. We fail to understand as to why the jail authorities have not

informed the concerned Court that the petitioner is undergoing life imprisonment and is available for trial as the cases are of the year 1995 and 1996. It is true that, after committing the offence at Sr.No.2, the petitioner was absconding but now he is available and the trials can be taken up than keeping them on dormant file. We expect that the Superintendent of Prison as well as the Senior Inspector of Police to inform the concerned courts about pendency of these trials so that it can be taken up. With these directions, the petition is dismissed.

3. The learned counsel for the petitioner submits that as the petitioner wants to meet his aged parents, he may be at least taken to his residence in police escort so that he can visit his 80 years' old father and mother. The petitioner should make an application to the D.I.G. (Prison). On such application being made separately after Ganpati festival, the D.I.G. (Prison) may permit the petitioner to visit his parents in police escort for a day on the petitioner depositing the cost and expenses required for the same.

(J. N. Patel, J.)

(SMT. ROSHAN DALVI, J.)